

CHAPTER 6 - REAL PROPERTY PURCHASE

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6.0 Purpose and Scope

This Chapter covers the authorities, roles and responsibilities, policies, and procedures for Department of Commerce (DOC) real property purchases.

6.1 Authorities

Operating Units (OU's) are responsible for complying with all applicable DOC policies and Federal Statutes, rules, regulations, and procedures pertaining to real property purchases, whether by negotiated purchase or condemnation. The following are the major regulations and guidelines that apply to this area:

- _____ (a) Department of Justice Procedural Guide for the Acquisition of Real Property by Government Agencies, 1972.
- (b) Department of Justice Title Standards 2001.
{<http://www.usdoj.gov/enrd/title.htm>}
- (c) Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970. (42 U.S.C. 4601 et seq., 49 CFR Part 24)
{<http://www.fhwa.dot.gov/realestate/ua.htm>}
- (d) Uniform Appraisal Standards for Federal Land Acquisitions, 2000.
{<http://www.usdoj.gov/enrd/land-ack/>}

In accordance with 41 U.S.C. 14, OU's must have statutory authority before purchasing real property. 41 U.S.C. 14 applies to acquisitions by both negotiated purchase and condemnation. 41 U.S.C. 14 does not apply to acquisitions of options to purchase property; however, it does apply to the exercise of an option.

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6.2 General Policies

The DOC Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA) has expressly reserved the authority to approve all permanent fee and easement acquisitions of real property.

Prior to an OU request for Preliminary Title Opinion to the Attorney General, or his/her authorized designee, the subject purchase assembly must be submitted to the DOC Office of the Assistant General Council for Administration (OGC) for legal review and to the CFO/ASA for acquisition approval.

Prior to exercising an option to purchase property, or purchasing real property, an OU must receive written approval from the CFO/ASA.